

#17



PATENT
ATTORNEY DOCKET NO. DIVER1120-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Murphy and Reid ✓
Serial No.: 09/407,806 ✓
Filed: September 28, 1999
Title: ALPHA GALACTOSIDASE

Art Unit: 1652
Examiner P. Tung

BOX AF
Commissioner for Patents
Washington, D.C. 20231

TERMINAL DISCLAIMER

Sir:

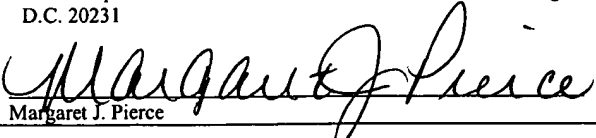
The undersigned, attorney of record for Petitioner, DIVERSA CORPORATION, with its place of business at 4955 Directors Place; San Diego, California 92121, represents that Petitioner is the Assignee of 100 percent interest in Application No. 09/407,806, filed September 28, 1999, entitled ALPHA GALACTOSIDASE, as evidenced by the Assignment recorded in the United States Patent and Trademark Office on March 8, 1996, at Reel 7949, Frame 0419.

12/07/2001 LPENDER 00000001 501355 09407806

01 FC:248

The evidentiary documents referred to herein have been reviewed by the undersigned and it is certified that to the best of the undersigned's knowledge and belief, title is in the Assignee.

Gray Cary\GT6242143.1
104703-158404

<p>CERTIFICATION UNDER 37 CFR §1.8</p> <p>I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on <u>6-12-01</u>, in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231</p> <p> Margaret J. Pierce</p>
--

Pursuant to 37 C.F.R. § 1.321(c), the undersigned, on behalf of Petitioner, DIVERSA CORPORATION, disclaims the terminal part of any patent granted on the above-identified Application No. 09/407,806 which would extend beyond the expiration date of U.S. Patent No. 5,958,751. Petitioner hereby agrees that any patent so granted on the above-identified application No. 09/407,806 shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to claims 3-14 of U.S. Patent No. 5,958,751, this Agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successor or assigns.

It is believed that no fee is due in connection with this filing. However, should a fee be due, please charge any such fees, or make any credits, to Deposit Account No. 50-1355.

Respectfully submitted,

Date: 6/12/01



Lisa A. Haile, Ph.D.
Registration No. 38,347
Telephone: (619) 677-1456
Facsimile: (619) 677-1465

GRAY CARY WARE & FREIDENRICH LLP
USPTO Customer Number 28213
4365 Executive Drive, Suite 1600
San Diego, California 92121-2189

USPTO Customer No. 28213